

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

AMANDA SPEARS,
Plaintiff,

VS.

**HOLMAN TRANSPORTATION
SERVICES, INC.
Defendant.**

CIVIL ACTION NO._____

JURY REQUESTED

**APPENDIX TO DEFENDANT HOLMAN TRANSPORTATION SERVICES, INC.'S
NOTICE OF REMOVAL**

Respectfully submitted,

By: /s/ Mark J. Dyer

MARK J. DYER

State Bar No. 06317500

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GABRIELLE M. SHAYEB

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**MARTIN, DISIERE, JEFFERSON & WISDOM,
L.L.P.**

9111 Cypress Waters Blvd., Suite 250

Dallas, Texas 75019

214-420-5500

214-420-5501 (fax)

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been e-
served to all attorneys of record, in compliance with the FEDERAL RULES OF CIVIL PROCEDURE,
on this the 25th day of October, 2022.

/s/ Mark J. Dyer
MARK J. DYER

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Exhibit

Court’s Docket
342nd District Court, Tarrant CountyA

Plaintiff’s Original Petition.....B

Return of Service – Holman Transportation Services, IncC

Defendant Thoroughbred Freightliner, LLC’s Original Answer.....D



Tarrant County District Clerk Online

Thomas A. Wilder, District Clerk

Civil Case and Transaction Information

10/24/2022 9:19 AM

Court : 342 Case : 336424

Search

New Search

☐ Show Service Documents ONLY

Cause Number : 342-336424-22

Date Filed : 09-13-2022

AMANDA SPEARS

| vs |

HOLMAN TRANSPORTATION
SERVICES, INC.

Cause of Action : INJURY OR DAMAGE, INVOLVING MOTOR VEHICLE

Case Status : PENDING






File Mark	Description	Assessed Fee	Credit/Paid Fee
09-13-2022	<u>PLTF'S ORIG PET</u>		<u>\$350.00</u>
		N	
09-13-2022	<u>PAYMENT RECEIVED trans #1</u>		<u>\$213.00</u>
		Y	
09-13-2022	<u>PAYMENT PAID TO STATE trans #1</u>		<u>\$137.00</u>
		Y	
09-13-2022	<u>CIT-ISSUED ON HOLMAN TRANSPORTATION SERVICES INC-On 09/14/2022</u>		<u>\$8.00</u>
		N Svc	
09-13-2022	<u>PAYMENT RECEIVED trans #4</u>		<u>\$8.00</u>
		Y	
09-30-2022	<u>CIT RTN (HOLMAN TRANSPORTATION SERVICES INC)</u>		<u>\$0.00</u>
09-30-2022	<u>CIT Tr# 4 RET EXEC(HOLMAN TRANSPORTATION SERVICES INC) On 09/27/2022</u>		<u>\$0.00</u>
10-24-2022	<u>DEFN'S ORIG ANS</u>		<u>\$0.00</u>
10-24-2022	<u>JURY REQUESTED</u>		<u>\$0.00</u>

EXHIBIT B

FILED
TARRANT COUNTY
9/13/2022 10:55 AM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 342-336424-22

AMANDA SPEARS,

Plaintiff,

v.

HOLMAN TRANSPORTATION
SERVICES, INC.

Defendant.

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IN THE DISTRICT COURT

____ JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Amanda Spears ("Plaintiff") and files this her Plaintiff's Original Petition complaining of Holman Transportation Services, Inc. ("Defendant") and for cause of action would respectfully shows as follows:

I.
DISCOVERY CONTROL PLAN

1. Plaintiff intends for discovery to be conducted under Level 3 of Rule 190.4 of the TEXAS RULES OF CIVIL PROCEDURE.

II.
PARTIES AND SERVICE OF PROCESS

2. Plaintiff Amanda Spears is an individual residing in Tarrant County, Texas.

3. Defendant Holman Transportation Services, Inc. is a transportation company, with its principal office in Boise, Idaho. It can be served with process by personal service upon its registered agent for service, All American Agents of Process, Jeffrey Fultz, 1221 McKinney, Suite 4300, Houston, Texas 77010, or wherever he may be found.

III.
VENUE

4. The subject matter and the amount in controversy are within the jurisdictional limits of this Court. The Texas Rules of Civil Procedure require Plaintiff to plead that her case falls under a particular category. In order to comply with this procedural requirement, Plaintiff pleads pursuant to Tex. R. Civ. P. 47, that Plaintiff seeks monetary relief over \$250,000 but not more than \$1,000,000, an amount within the jurisdictional limits of this Court. Plaintiff further seeks all other relief to which Plaintiff may be shown to be justly entitled.

5. Venue is proper in Tarrant County pursuant to the TEXAS CIVIL PRACTICE & REMEDIES CODE §15.002(a)(2) because it is the location of the acts and/or omissions which give rise to this suit.

IV.
FACTS

6. On or about January 13, 2021, Plaintiff was northbound in heavy traffic on Interstate 35, Fort Worth, Tarrant County, Texas. As Plaintiff slowed her vehicle for traffic in the roadway ahead, she was rear-ended by Defendant's vehicle. At all times pertinent to this suit Defendant Holman's vehicle was operated by an employee or agent of Defendant Holman within the course and scope of said employment or agency and in furtherance of Defendant Holman's business.

7. As a direct and proximate result of the impact, Plaintiff sustained bodily injuries and other damages.

V.
CAUSES OF ACTION

Negligence

8. Plaintiff incorporates herein by reference all allegations set forth in the preceding paragraphs.

9. On the date of the incident in question, Defendant Holman's employee or agent had a duty to exercise the degree of care that an ordinary person would have in operating the motor vehicle under the same or similar circumstances.

10. Defendant's employee or agent breached that duty of care by one or more of the following acts and/or omissions:

- a. Failing to keep a proper lookout;
- b. Failing to take evasive action to avoid the collision complained of;
- c. Failing to drive in a single lane;
- d. Failing to control its vehicle;
- e. Failing to control its speed; or
- f. Failing to timely apply its brakes.

11. As a direct and proximate result of the foregoing acts and/or omissions, Plaintiff sustained bodily injuries and damages within the jurisdictional limits of this Court.

12. Defendant Holman is responsible for the negligence of its employee or agent via the doctrine of *respondeat superior*.

VI.
DAMAGES

12. Plaintiff incorporates herein by reference the allegations set forth in all preceding paragraphs.

13. As a direct and proximate result of the above-referenced acts and omissions of Defendant, Plaintiff would show actual damages within the jurisdictional limits of this Court as follows:

- a. Reasonable and necessary medical care and expenses which have been sustained from the time of the occurrence until the time of the verdict herein;
- b. Reasonable and necessary medical care and expenses which will be sustained in the future;
- c. Physical pain and mental anguish which has been sustained from the time of the occurrence until the time of the verdict herein;
- d. Physical pain and mental anguish which will be sustained in the future;
- e. Physical impairment which has been sustained from the time of the occurrence until the time of the verdict herein;
- f. Physical impairment which will be sustained in the future;
- g. Lost earnings or loss of earning capacity which have been sustained from the time of the occurrence until the time of the verdict herein; and
- h. Loss of earning capacity or lost earnings which will be sustained in the future.

VII. **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that Defendant be cited to appear and answer, and this case be tried and that Plaintiff have and recover the following from Defendant:

- a. Judgment against Defendant for a sum within the jurisdictional limits of this Court for all actual damages as indicated above;
- b. Pre-judgment interest at the maximum amount allowed by law;
- c. Post-judgment interest at the maximum rate allowed by law;
- d. Costs of suit; and
- e. Such other and further relief to which Plaintiff may be shown to be justly entitled.

Respectfully submitted,
THOMPSON LAW LLP
3300 Oak Lawn Avenue, 3rd Floor
Dallas, Texas 75219
Tel. 214/755-7777
Fax 214/716-0116



RYAN H. ANDERSON
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randerson@triallawyers.com
RYAN L. THOMPSON
State Bar No. 24046969
rthompson@triallawyers.com

ATTORNEYS FOR PLAINTIFF

EXHIBIT**C**

342-336424-22

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 342-336424-22

AMANDA SPEARS

VS.

HOLMAN TRANSPORTATION SERVICES, INC.

TO: HOLMAN TRANSPORTATION SERVICES INC

B/S REG AGT-JEFFREY FULTZ 1221 MCKINNEY STE 4300 HOUSTON, TX 77010-

You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 342nd District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

AMANDA SPEARS

Filed in said Court on September 13th, 2022 Against
HOLMAN TRANSPORTATION SERVICES INC

For suit, said suit being numbered 342-336424-22 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

**AFFIDAVIT
ATTACHED**

RYAN H ANDERSON

Attorney for AMANDA SPEARS Phone No. (214)755-7777

Address 3300 OAK LAWN AVE 3RD FLR DALLAS, TX 75219

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 14th day of September, 2022.

By

Natalie Thigpen

NATALIE THIGPEN



A CERTIFIED COPY
ATTEST: 09/14/2022
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Natalie Thigpen

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *34233642422000004*

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____ M; and executed at _____ within the county of _____, State of _____ at _____ o'clock _____ M on the _____ day of _____, _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____, _____

to certify which witness my hand and seal of office

(Seal)

County of _____, State of _____

CITATION

Cause No. 342-336424-22

AMANDA SPEARS

VS.

HOLMAN TRANSPORTATION
SERVICES, INC.

ISSUED

This 14th day of September, 2022

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

**AFFIDAVIT
ATTACHED**

RYAN H ANDERSON

Attorney for: AMANDA SPEARS
Phone No. (214)755-7777

ADDRESS: 3300 OAK LAWN AVE 3RD FLR

DALLAS, TX 75219

CIVIL LAW



91233642422000004
SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK
ORIGINAL



A CERTIFIED COPY
ATTEST: 09/14/2022
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Natalie Thigpen

AFFIDAVIT OF SERVICE

State of Texas

County of Tarrant

342nd District Court

Case Number: 342-336424-22

Plaintiff:

Amanda Spears

vs.

Defendant:

Holman Transportation Services, Inc.

For:

Ryan H. Anderson
Thompson Law, L.L.P.
3300 Oak Lawn Ave
Suite 300
Dallas, TX 75219

Received by On Time Process Service on the 19th day of September, 2022 at 9:39 am to be served on **Holman Transportation Services, Inc. b/s Registered Agent: Jeffrey Fultz, 1221 McKinney, Ste 4300, Houston, Harris County, TX 77010.**

I, Antonio Perez, being duly sworn, depose and say that on the **27th day of September, 2022 at 1:34 pm, I:**

Executed service by hand delivering a true copy of the **Citation, Copy of Plaintiff's Original Petition**, to: **Sean Juarez personally as Authorized Person** at the address of: **1221 McKinney, Ste 4300, Houston, Harris County, TX 77010**, who is authorized to accept service for **Holman Transportation Services, Inc.**, and informed said person of the contents therein, in compliance with state statutes.


Description of Person Served: Age: 50, Sex: M, Race/Skin Color: Caucasian, Height: 5'9", Weight: 170, Hair: Gray, Glasses: N

"I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server in good standing in the judicial circuit in which the process was served. I have personal knowledge of the facts set forth in this affidavit, and they are true and correct."

Subscribed and Sworn to before me on the 28th day of September, 2022 by the affiant who is personally known to me.


NOTARY PUBLIC




Antonio Perez
PSC-12339 Exp 10/31/2023

On Time Process Service
1700 Pacific Ave
Suite 1040
Dallas, TX 75201
(214) 740-9999

Our Job Serial Number: ONT-2022006015
Ref: 21010664



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 68786910

Status as of 9/30/2022 1:41 PM CST

Associated Case Party: AMANDASPEARS

Name	BarNumber	Email	TimestampSubmitted	Status
Jennifer French		jfrench@triallawyers.com	9/30/2022 1:28:52 PM	SENT

342-336424-22

**EXHIBIT
D**

FILED
TARRANT COUNTY
10/24/2022 9:07 AM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 342-336424-22

AMANDA SPEARS,
Plaintiff,

v.

HOLMAN TRANSPORTATION
SERVICES, INC.,
Defendant.

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IN THE DISTRICT COURT

342ND DISTRICT COURT

TARRANT COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **HOLMAN TRANSPORTATION SERVICES, INC.**, Defendant in the above-entitled and numbered cause and files this Original Answer in response to Plaintiff's Original Petition, and in support thereof would respectfully show unto the Court and jury as follows:

**I.
GENERAL DENIAL**

Defendant **HOLMAN TRANSPORTATION SERVICES, INC.** generally denies the material allegations contained in Plaintiff's Original Petition and says that, since Plaintiff has made such allegations, she should be required to prove them by a preponderance of the evidence as required by law, if she is able to do so.

**II.
AFFIRMATIVE DEFENSES**

2.01 Pleading further, Defendant would allege that Plaintiff's recovery, if any, of past medical expenses shall be reduced to the amount paid or incurred by the Plaintiff or on behalf of the Plaintiff pursuant to Section 41.0105 of the TEXAS CIVIL PRACTICE & REMEDIES CODE.

2.02 Pleading further, Plaintiff's recovery, if any, for loss of earnings and loss of earning capacity is limited to net wages as set forth in Section 18.091 of the TEXAS CIVIL PRACTICE & REMEDIES CODE.

2.03 Defendant would allege by way of affirmative defense that the incident in question was the result of the negligence of third parties over whom this Defendant had no control and that said negligence, carelessness, acts and omissions were the sole cause, or alternatively, a proximate cause, or alternatively, a superseding cause of the occurrence in question.

2.04 Pleading further and subject to the foregoing without waiving same, Defendant affirmatively alleges that the damages and injuries, if any, alleged by Plaintiff result from pre-existing or subsequent conditions or events.

2.05 Pleading further by way of affirmative defense, Defendant would allege that the incident in question was caused in whole or in part of the negligence of the Plaintiff. Defendant would assert the affirmative defense of comparative fault as provided in Chapter 33 of the Texas Civil Practice and Remedies Code.

III. **REQUEST FOR JURY TRIAL**

Defendant prays that all issues of fact be submitted to a jury pursuant to Rule 216 of the Texas Rules of Civil Procedure.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiff have and recover nothing of Defendant and that, on trial hereof, Defendant be discharged with its costs herein, and for such other and further relief, both at law and in equity, both general and special, to which it may show itself to be justly and equitably entitled.

Respectfully submitted,

MARTIN, DISIERE, JEFFERSON & WISDOM, L.L.P.

By: /s/ Mark J. Dyer

MARK J. DYER

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9111 Cypress Waters Blvd., Suite 250

Dallas, Texas 75019

214-420-5500

214-420-5501 (fax)

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been e-served to all attorneys of record, in compliance with Rule 21a of the TEXAS RULES OF CIVIL PROCEDURE, on this the 24th day of June, 2022.

Via ECF

Ryan H. Anderson

Thompson Law LLP

3300 Oak Lawn Avenue, 3rd Floor

Dallas, Texas 75219

randerson@triallawyers.com

/s/ Mark J. Dyer

MARK J. DYER

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Shelly Lacy on behalf of Mark Dyer
Bar No. 6317500
shellyl@mdjwlaw.com
Envelope ID: 69485494
Status as of 10/24/2022 9:11 AM CST

Associated Case Party: AMANDASPEARS

Name	BarNumber	Email	TimestampSubmitted	Status
Jennifer French		jfrench@triallawyers.com	10/24/2022 9:07:17 AM	SENT

Associated Case Party: THEHOLMAN TRANSPORTATION SERVICES INC

Name	BarNumber	Email	TimestampSubmitted	Status
Gabrielle Shayeb		shayeb@mdjwlaw.com	10/24/2022 9:07:17 AM	SENT
Mark` Dyer		dyer@mdjwlaw.com	10/24/2022 9:07:17 AM	SENT